

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:21-CV-00014-D

**Nina May,**

Plaintiff,

v.

**University Health Systems of Eastern  
North Carolina, Inc., et al.**

Defendants.

**Order**

On October 5, 2021, Plaintiff Nina May asked the court to compel Defendants to produce certain documents and information. Pl.’s Mot. to Compel at 1, D.E. 47. Attached to her motion is a letter she sent to defense counsel on the same day asking to review video footage of the events at issue. Letter from Nina May to Jay Salsman & A. Ruthie Sheets (Oct. 5, 2021), D.E. 47–1. She also asks for the names and photographs of the John Doe Defendants. *Id.*

May’s motion is untimely for two reasons. First, May filed the motion on the same day she sent her discovery request to Defendants. The Federal Rules allow parties 30 days to respond to an interrogatory or request for production. Fed. R. Civ. P. 33(b)(2) & 34(b)(2)(A). So there is no basis at this time to order Defendants to respond.

Second, her motion is untimely because the court has not authorized the parties to participate in discovery. The Federal Rules explain that a “party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.” *Id.* 26(d)(1). None of these triggering events have occurred, so May

is not allowed to seek discovery from Defendants right now. But Defendants will need to respond to her requests within 30 days after discovery begins. *See id.* 33(b)(2) & 34(b)(2)(A).

So the court denies May's motion to compel without prejudice. D.E. 47. If Defendants do not respond in a timely manner after discovery begins, May can renew her motion. But before she does so, she must make sure that she has communicated with defense counsel and made a good-faith attempt to resolve the dispute without court intervention.

Dated: October 12, 2021

A handwritten signature in black ink that reads "Robert T. Numbers, II". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Robert T. Numbers, II  
United States Magistrate Judge